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so received resulting in his immediate death. *Held*, that recovery may be had under the compensation act. *George L. Eastman Co. v. Industrial Accident Commission* (1921) 62 Cal. Dec. 155, 200 Pac. 17.

According to the general rule, where there is a causal connection between the conditions under which the work is required to be performed and the resulting injury, the injury may be said to arise out of the employment. *In re McNicol* (1913) 215 Mass. 497, 102 N. E. 697. L. R. A. 1916 A 306. It also comes within the doctrine that a previously diseased condition of the employee which predisposes him to such an accident as he sustains will not prevent the accident from being regarded as arising out of the employment. *Hartz v. Hartford Faience Co.* (1916) 90 Conn. 539, 97 Atl. 1020. The principal case is in direct accord with the leading decision in this country where the accident is immediately caused, not by the diseased condition alone, but also by the conditions which arise out of the employment. *Carroll v. What Cheer Stables Co.* (1916) 38 R. I. 421, 96 Atl. 208, L. R. A. 1916 D 154. The condition in this case, being the lurching of the car in such a manner as to throw the driver under the wheels, is thus distinguished from those cases in which the proximate and immediate cause arises solely from an idiopathic or subjective condition without any intervening or contributory cause connected with the employment, in which cases recovery has been refused both in this country and in England. *Brooker v. Industrial Accident Commission* (1917) 176 Cal. 275, 168 Pac. 126, L. R. A. 1918, p. 878; *Rodger v. Paisley* (1912) 5 British Workmen's Compensation Cases 547.

## Book Reviews

**DEMOCRACY AND ASSIMILATION.** By Julius Drachsler. The Macmillan Company, New York, 1920. xii, 275.

General Francis Walker once announced the theory that immigration into America checked the natural increase of the native population and substituted a foreign for a native stock. It was not the only nor the least amiable of the crotchets which this distinguished economist permitted himself and it seems to have been based on no better evidence than an earnest desire to have it so. However, whatever might have been the case, it is a scarcely controvertible fact that the numerical majority of American citizens are of immigrant stock and not of stock resident in this country before, let us say, 1820. And it is further a fact that the majority is increasing.

How shall this diversely gathered mass become a single nation, able and willing to carry on the traditions of English institutions—particularly of English political institutions culminating in American democracy? That is the problem Mr. Drachsler seeks to investigate in this book. Particularly it is the physical welding of the different types of American inhabitants, including the "native" stock, which concerns him. If this welding were perfect, there would arise a

new anthropological unit, an American race. Is it necessary? Is it desirable? Will it happen?

It is conceivable that these questions might each receive an independent answer. To constitute a nation in the fullest sense Mr. Drachsler does not find physical unity necessary. It is hard to see how he could have reached any other conclusion with the example of the British nation before him. For a synthetic national culture uniformity of descent on the part of its bearers is obviously not essential.

Its desirability has been attacked on pseudo-scientific grounds which Mr. Drachsler considers more particularly than they deserve. The real objection to such an assimilation could come only from the smaller groups which would thereby be disintegrated. The really important matter is that which makes up the work. Is assimilation proceeding and can it be expedited? For that we have the extremely valuable study of intermarriage contained in pp. 87-169 and continued by another study of the same author contained in the Columbia University Studies. Intermarriage has increased and is increasing. It can neither be regulated nor accelerated on eugenic principles by legislation. If it is desirable that it continue, the social influences that cause it will work best if the cultural assimilation known as "Americanization" is intelligently guided and tactfully enforced, in a spirit far removed from the arrogance and desperate incompetence of the war-years and with full recognition that it is not the individual immigrant, but the immigrant group that must be won to the new partnership, not bludgeoned into a surrender of his cultural heritage.

That is what Mr. Drachsler seeks to tell us, and he presents it well.

*Max Radin.*

JOHN ARCHIBALD CAMPBELL, ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT, 1853-1861. By Henry G. Connor, LL.D. Houghton Mifflin Co., Boston and New York. 1920. pp. viii, 310.

In the brief compass of this volume, the author has given us a valued contribution to the history of the Supreme Court. As a competent reviewer has said, Justice Campbell "ranked among the ablest half-dozen of the more than three score men who have been members" of that bench. His judicial service was short because, actuated by a sense of duty, he followed, however reluctantly, the fortunes of the seceding states. He strove to avert or postpone the outbreak of the war; and during its continuance his efforts were unremitting to allay the strife. After the establishment of peace, he did all that lay in the power of any one person to escape from the perils of radical reconstruction.

Justice Benjamin R. Curtis, who resigned from the supreme bench after the Dred Scott decision, and Justice Campbell, after the conclusion of the war, resumed their practice, and appeared as counsel in important cases in the Supreme Court.